

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP., Plaintiff,	§	
	§	Case No. 2:24-cv-00093-JRG
	§	(Lead Case)
v.	§	
	§	
HEWLETT PACKARD ENTERPRISE COMPANY, Defendant.	§	JURY TRIAL DEMANDED
	§	
	§	
	§	
	§	
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VIRTAMOVE, CORP., Plaintiff,	§	
	§	Case No. 2:24-CV-00064-JRG
	§	(Member Case)
v.	§	
	§	
INTERNATIONAL BUSINESS MACHINES CORP., Defendant.	§	JURY TRIAL DEMANDED
	§	
	§	
	§	
	§	
	§	

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE OPPOSITION
REGARDING IBM’S MOTION TO EXCLUDE CERTAIN OPINIONS OF DR. SAM
MALEK (DKT. 233)**

Plaintiff VirtaMove, Corp. (“VirtaMove”) respectfully moves for a three day extension of time for Plaintiff to file its response to Defendant International Business Machines Corp. (“IBM”) (collectively with VirtaMove, the “Parties”) Motion to Exclude Certain Opinions of Dr. Sam Malek (Dkt. 233). With a three day extension from August 11, 2025, the deadline for VirtaMove’s response would be extended to August 14, 2025, and the deadline for IBM’s Reply would be extended to August 21, 2025.

This extension is not being sought for purposes of delay. Counsel for Plaintiff inadvertently mis-docketed IBM’s motion and did not detect the oversight until after the original deadline. This was in part due to the fact that more than half of Plaintiff’s litigation team had conflicting

obligations, either in connection with trial preparation in *Headwater Research, LLC v. AT&T Inc. et al.*, No. 2:23-cv-00397-JRG, or in connection with a newborn child. Counsel for Plaintiff recognizes the importance to the parties and the Court of punctuality, and apologizes for the oversight.

Counsel for the Parties have conferred and IBM does not oppose this extension. Accordingly, Plaintiff requests that the Court grant the motion and enter the attached proposed Order.

Dated: August 12, 2025

Respectfully submitted,

By: /s/ Christian W. Conkle

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Attorneys for Plaintiff VirtaMove, Corp.

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that counsel has complied with the meet and confer requirement in Local Rule CV-7(h) and that this is an unopposed motion.

/s/ Christian W. Conkle
Christian W. Conkle

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on August 12, 2025.

/s/ Christian W. Conkle
Christian W. Conkle